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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,731	06/13/2001	Youichiro Nishikawa	021380	4948

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EXAMINER

TODD, GREGORY G

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/880,731

Applicant(s)

NISHIKAWA ET AL.

Examiner

Gregory G Todd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This is a second office action in response to applicant's amendment filed, 10 November 2004, of application filed, with the above serial number, on 13 June 2001 in which claims 1, and 12-14 have been amended and claim 17 has been added. Claims 1-17 are therefore pending in the application.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (hereinafter "Johnson", 6,580,950) in view of Ouchi et al (hereinafter "Ouchi", 6,539,404).

Johnson teaches the invention substantially as claimed including networked appliance controlling (see abstract).

As per Claim 1, Johnson teaches an information processing apparatus operable from a remote user comprising:

a communication unit which provides a function to interface with a network (at least Fig. 1; global network with data center);

a connection request unit which generates a request to establish a connection with the network (at least col. 7, lines 47-67; requesting connection and transmitting connect command);

a server function unit which provides a predetermined service, when the network node of the remote user accesses the apparatus using the allotted logical address, to the node as a client (at least Fig. 5; col. 4, lines 16-39; control unit and/or data center with servers).

Johnson fails to *explicitly* disclose an address holder which holds a logical address allotted when the connection is established and an address reporting unit which sends the allotted logical address to a network node of the remote user. However, the use and advantages for using logical addresses is extremely well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Ouchi. Ouchi teaches an IP address of a server being e-mailed to a user and the user accessing the IP address of URL through the email (at least Ouchi col. 20 lines 52-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Ouchi's use of address allotment for servers as it is very well known in the art for a server to obtain an (IP) address upon connecting to a network and since Johnson's system operates on networks such as the Internet (see col. 4, lines 41-48) where IP address allotment is a standard practice performed for connecting users.

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As per Claim 2, the apparatus of claim 1 further comprising a monitor unit which detects a trigger signal transmitted by a remote node in compliance with a communication protocol which does not require connection to the network, wherein the connection request unit generates the request upon detecting the signal (at least col. 5, lines 1-6, 63-67; alert signal upon event-occurring connection).

As per Claim 3, the apparatus of claim 1 further comprising:

a second communication unit which communicates with an external appliance which is under the control of the apparatus (at least col. 5, lines 29-52; control unit); and

an appliance controller which controls the external appliance via the second communication unit (at least col. 5, lines 29-52; control unit controlling devices);

wherein the server function unit, as the predetermined service, receives an instruction for the control of the external appliance from the user node and transmits the instruction to the appliance controller and the appliance controller converts the instruction to a control command of the external appliance and sends the command to the appliance via the second communication unit (at least col. 7, lines 47-67; col. 5, lines 29-52; user connecting to control unit through web browser and providing commands to control various devices).

As per Claim 4, the apparatus of the claim 1 further comprising a second monitor unit which generates a trigger signal when status of the external appliance reported via the second communication unit satisfies a predetermined condition, wherein the connection request unit generates the request upon detecting the signal generated by the second

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monitor unit (at least col. 5, lines 1-6, 40-52; lighting controls transmitting to control unit which lights are activated, etc).

As per Claim 5, the apparatus of claim 1 further comprising a third monitor unit which generates a trigger signal when information from a sensor sensing ambient environment satisfies a predetermined condition, wherein the connection request unit generates the request upon detecting the signal generated by the third monitor unit (at least col. 7, lines 6-15; col. 5 line 63 - col. 6 line 11; monitoring usage and consumption data and surpassing threshold levels).

As per Claim 6, the apparatus of claim 1 further comprising a disconnection request unit which disconnects from the network when access from the logical address has been suspended for a predetermined period (at least col. 5, lines 1-26).

As per Claim 7, the apparatus of claim 2 further comprising an authentication unit which determines whether the remote node that issued the trigger signal is a user node managed by the apparatus (at least col. 6, lines 36-50; user name and password).

As per Claim 12, Johnson teaches an information processing method operable from a remote user comprising:

- waiting in a stand-by mode in an off-line state as an initial state (at least col. 5, lines 1-20; connection to network upon event-occurrence);

- establishing connection with a network upon detecting a predetermined trigger signal (at least col. 5, lines 1-20, 63-67; connection to network upon event-occurrence / alert signal);

sending the allotted logical address to a network node of the remote user (at least col. 5 line 63 - col. 6 line 11; reporting to user); and

providing a predetermined service, when a network node of the remote user connects to the allotted logical address, to the node as a client (at least col. 6, lines 13-50; various uses of controlling devices).

Johnson fails to *explicitly* disclose an address holder which holds a logical address allotted when the connection is established and an address reporting unit which sends the allotted logical address to a network node of the remote user. However, the use and advantages for using logical addresses is extremely well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Ouchi. Ouchi teaches an IP address of a server being e-mailed to a user and the user accessing the IP address of URL through the email (at least Ouchi col. 20 lines 52-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Ouchi's use of address allotment for servers as it is very well known in the art for a server to obtain an (IP) address upon connecting to a network and since Johnson's system operates on networks such as the Internet (see col. 4, lines 41-48) where IP address allotment is a standard practice performed for connecting users.

As per Claim 17, Johnson fails to *explicitly* disclose wherein the allotted logical address is sent to the network node of the remote user by an e-mail. However, the use and advantages for emailing logical addresses is extremely well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Ouchi.

Ouchi teaches an IP address of a server being e-mailed to a user and the user accessing the IP address of URL through the email (at least Ouchi col. 20 lines 52-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Ouchi's use of address allotment for servers as it is very well known in the art for a server to obtain an (IP) address upon connecting to a network and since Johnson's system operates on networks such as the Internet (see col. 4, lines 41-48) where IP address allotment is a standard practice performed for connecting users.

Claim 13 does not add or define any additional limitations over claim 1 and therefore is rejected for similar reasons.

Claim 14 does not add or define any additional limitations over claim 12 and therefore is rejected for similar reasons.

Claims 8-11 do not add or define any additional limitations over claims 3-6 and therefore are rejected for similar reasons.

Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (hereinafter "Johnson", 6,580,950) in view of Ouchi et al (hereinafter "Ouchi", 6,539,404) and further in view of Feder et al (hereinafter "Feder", 6,512,754).

As per Claim 15, Johnson and Ouchi teach the apparatus of claim 1, wherein said network is the internet, and Ouchi further teaches the logical address is an Internet Protocol address, but fails to *explicitly* disclose the connection request unit relies on Point-to-point Protocol. However, the use and advantages for using logical addresses is



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extremely well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Feder. Feder teaches using PPP IP address assignment for users on a home network (at least Feder col. 9 line 47 - col. 10 line 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Feder's use of PPP connection and, in addition to Ouchi, IP address usage for end users as this is very well known in the art since Johnson and Ouchi's systems operate on networks such as the Internet (see col. 4, lines 41-48) where IP address usage is a standard practice performed for connecting users and PPP connections are standard ways to connect to the internet and using email systems. Ouchi further uses Microsoft Exchange for emailing which can use a PPP system (at least col. 20, lines 22-37).

Claim 16 does not add or define any additional limitations over claim 15 and therefore is rejected for similar reasons.

### ***Response to Arguments***

4. Applicant's arguments filed 10 November 2004 have been fully considered but they are not persuasive.

Applicants argue, substantially, that a) the system of Johnson requires the connection to be permanent, while that of the claimed invention merely requires a connection based on a request; and b) the address is reported to the user node.

In response to a), there is no language in the claims that necessitate that the claimed invention not be connected to the network at all times. Rather, the claimed

invention merely requires for the connection to connect to the network at any time.

Further, Johnson states "if the control unit is online" (see col. 7, lines 47-67), thus Johnson's system is not connected at all times as the control unit would have to connect to the network for the user to use the system.

In response to b), the arguments are directed toward newly added limitations to the claims amendments to the claims and the addition of claim 17 narrow the claims in scope, thus requiring a new and better ground of rejection in view of Ouchi.

Applicants amendments to the claims and the addition of claim 17 narrow the claims in scope, thus requiring a new and better ground of rejection based on the intended use of the invention.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Newly cited Tari et al, Sawada, and Seong in addition to previously cited Ryan et al, Myer et al, Humpleman et al, and Kikinis are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G Todd whose telephone number is (571)272-4011. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

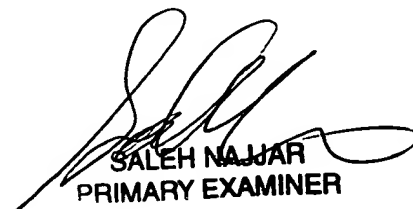
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory Todd

Patent Examiner

Technology Center 2100

  
SALEH NAJJAR  
PRIMARY EXAMINER